

PROJECT: X4040 LIG
SECTION: I-15 at Virgin River

INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
THE COUNTY OF MOHAVE

THIS AGREEMENT entered into this 6th day of August, 1984 between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION, hereinafter called "State", and the County of Mohave acting by and through its Board of Supervisors, hereinafter called "County".

WHEREAS, State is empowered by Section 28-108 Arizona Revised Statutes to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and the Director of the Arizona Department of Transportation has delegated to the undersigned the authority to execute same on behalf of the State; and

WHEREAS, County is empowered by Section 11-251 Arizona Revised Statutes to enter into this agreement and acting by and through its Board of Supervisors, has, by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute same on behalf of County; and

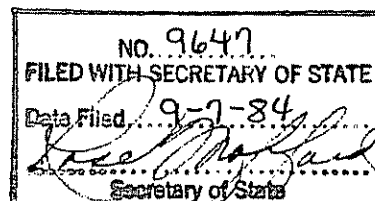
WHEREAS, State wishes to relocate two locked gates presently installed in the right of way fence of Interstate 15 at a point near engineers station 593 + 00 and establish a new access road crossing beneath the Virgin River Bridge within State right of way; and

WHEREAS, County desires to re-establish access to the new gates by constructing a grader road from the Virgin River Bridge to the new gates.

THEREFORE, the parties hereto agree as follows:

STATE SHALL:

1. Remove the two locked gates presently located opposite Engineers Station 593 + 00 and re-establish the gates at points in the right of way fence opposite Engineers Station 519 + 50.
2. Re-establish the right of way fence on each side of Interstate 15 at the locations of the old gates, opposite Engineers Station 593 + 00.



3. Construct, at State expense, an access road from the northwesterly right of way line of said highway, crossing said right of way beneath the Virgin River Bridge, to the southeasterly right of way line of said highway.

4. Acquire for the use and benefit of and in the name of Mohave County, and at no cost to State, 60 foot right of way easements sufficient to connect the access road beneath the Virgin River Bridge, via grader roads outside State right of way, to the relocated locked gates and to connect said roads to the previous point of access, outside the right of way, at the old gate locations.

COUNTY SHALL:

1. Construct, at County expense, grader roads on each side of the State's right of way connecting the State constructed access road, as described above, with the relocated locked gates and with the original locked gate locations, all outside the State's right of way.

2. Maintain said grader roads for so long as said roads are required for access to or across Interstate 15.

3. Save and hold harmless State, or any of its departments, agencies, officers or employees for any sums which State, or any of its departments, agencies, officers or employees may be obligated to pay by reason of any liability imposed upon any of the above for injury or damage to persons or property caused by the fault or negligence of County, its employees or agents.

This Agreement shall remain in full force and effect until completion of said project as aforesaid; provided, however, that this Agreement may be cancelled at any time prior to the commencement of work by State upon 30 days' written notice by one party to the other party.

All parties hereto acknowledge that this Agreement is subject to cancellation by the Governor pursuant to the provisions of Section 38-511 Arizona Revised Statutes.

In the event of any controversy which may arise out of this Agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Section 12-1518 (B) and (C) of Arizona Revised Statutes as amended.

This Agreement shall become effective on the date of filing same with the Secretary of State.


Attached hereto and incorporated herein by reference is a copy of State's resolution authorizing entry into this Agreement, a copy of County's resolution passed by its Board of Supervisors, a copy of the written determination of the appropriate attorney that County is authorized under the laws of this State to enter into this Agreement and that said Agreement is in proper form, and a copy of the Attorney General's Intergovernmental Agreement Determination.

IN WITNESS WHEREOF, the parties hereto have executed this instrument the day and year first above written.

STATE OF ARIZONA
DEPARTMENT OF TRANSPORTATION

BY: 
WALTER O. FORD
Chief Deputy State Engineer

COUNTY OF MOHAVE

BY: 
W.J. "Bill" Roper
Title: Chairman, Mohave Co. Board of
Supervisors

ATTEST:


CLERK, BOARD OF SUPERVISORS

RESOLUTION NO. 1896

WHEREAS, the Mohave County Board of Supervisors met in Regular Session this 6th day of August, 1984; and


WHEREAS, on the 19th day of June, 1984, W. A. Ordway, as Director, ARIZONA DEPARTMENT OF TRANSPORTATION, determined that it is in the best interests of the State of Arizona that the DEPARTMENT OF TRANSPORTATION, acting by and through the Highways Division, enter into an Intergovernmental Agreement with Mohave County for the relocation of two locked gates on I-15, northerly of the Virgin River bridge at Littlefield, and for the construction of frontage roads connecting with the re-located gates; and

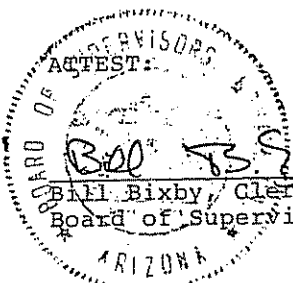
WHEREAS, MOHAVE COUNTY is empowered by Section 11-251 Arizona Revised Statutes to enter into this agreement with the ARIZONA DEPARTMENT OF TRANSPORTATION,

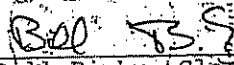
NOW, THEREFORE, BE IT RESOLVED that the Mohave County Board of Supervisors hereby enters into and executes the INTERGOVERNMENTAL AGREEMENT BETWEEN THE STATE OF ARIZONA AND THE COUNTY OF MOHAVE for PROJECT X4040 LIG, SECTION: I-15 at the Virgin River.

PASSED, APPROVED AND ADOPTED by the Mohave County Board of Supervisors on this 6th day of August, 1984.

MOHAVE COUNTY BOARD OF SUPERVISORS



W. J. Roper, Chairman




Bill Bixby, Clerk for the Board of Supervisors

This is to certify that this is a true and correct copy of Resolution No. 1896 as on file in the office of the Mohave County Board of Supervisors.

ATTEST:


Pat Chastain, Deputy Clerk

RESOLUTION

BE IT RESOLVED on this 19TH day of JUNE, 1984,
that I, W. A. Ordway, as Director, ARIZONA DEPARTMENT OF
TRANSPORTATION, have determined that it is in the best
interests of the State of Arizona that the DEPARTMENT OF
TRANSPORTATION, acting by and through the Highways Division,
enter into an Intergovernmental Agreement with Mohave County
for the relocation of two locked gates on I-15, northerly
of the Virgin River bridge at Littlefield, and for the
construction of frontage roads connecting with the relocated
gates.

THEREFORE, authorization is hereby given to draft said agreement
which, upon completion, shall be submitted for approval and
execution by the by the Chief Deputy State Engineer.

W A Ordway

MOHAVE COUNTY ATTORNEY

315 NORTH 4TH STREET • KINGMAN • ARIZONA 86401 • (602) 753-9141. EXT 201



WILLIAM J EKSTROM, JR
County Attorney

July 31, 1984

W.J. Roper, Chairman
Mohave County Board of Supervisors
Kingman, Arizona 86401


Re: Locked Gates on I-15 at Virgin River
Intergovernmental Agreement

Dear Mr. Roper:

The preliminary draft of the proposed Intergovernmental Agreement concerning relocation of the locked gates on I-15 near the Virgin River Bridge between the Arizona Department of Transportation and Mohave County is authorized pursuant to A.R.S. 11-051 through 11-954 which permits public agencies such as the County and the Department of Transportation "to enter into agreements with one another for joint or cooperative action."

The agreement is in proper form and is fully within the powers and duties of the Board of Supervisors.

Very truly yours,


WILLIAM J. EKSTROM, JR.
Mohave County Attorney

WJE/ln



OFFICE OF THE
Attorney General
TRANSPORTATION DIVISION
1275 WEST WASHINGTON
PHOENIX, ARIZONA 85007
(602) 255-1680

ROBERT K. CORBIN
ATTORNEY GENERAL

INTERGOVERNMENTAL AGREEMENT

DETERMINATION

A. G. Contract No. 84-469, which is an agreement between public agencies, has been reviewed pursuant to A.R.S. Sec. 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State or its agencies under the laws of the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 24 day of August, 1984.

ROBERT K. CORBIN
Attorney General

James R. Redpath
Assistant Attorney General
Transportation Division